

RAYMOND A. HENDERSON.

FEBRUARY 29, 1840.

Laid on the table.

Mr. RUSSELL, from the Committee of Claims, made the following

REPORT:

*The Committee of Claims, to whom was referred the petition of Raymond A. Henderson, praying compensation for property abandoned by him on his plantation in East Florida, at the commencement of the Seminole war in that country, make the following report :*

Previous to the autumn of 1835, when the war with the Seminole Indians commenced, the petitioner was the owner of a plantation in East Florida, called "Victoria," containing about 1,800 acres of land, situate upon the St. John's river, north of Picolata, on which he had erected buildings and made improvements previous to the commencement of the said war. On that event he withdrew from the plantation, leaving upon it, as he alleges, the property mentioned in schedule A, hereto annexed. On this plantation the petitioner had enclosed a large orange-grove, of about twenty acres, in which he planted between one and two thous and sweet orange-trees. He also alleges that his plantation was occupied "as a depot." For greater particularity, the committee refer to the petition and documents, hereto annexed. There is great want of specification and particularity in the presentation of this claim. Upon the proofs, as they are now presented, there can be no doubt that the United States are in no way accountable for the loss of this property; and though the petitioner states that, in consequence of the occupation thereof as a depot, his buildings, fences, &c., were burnt by the enemy, yet the committee cannot receive this declaration of the party interested as evidence to establish the cause of the loss. There must not only be proof of the military occupation of "Victoria," but also that such occupation was the cause of the loss.

For the purpose of uniformity in the adjustment of the numerous claims against the Government, arising out of the late war with Great Britain, on the 26th day of March, 1817, rules of *evidence* were established by the order of the then President of the United States, which, from that time hitherto, have been regarded as indispensable. These rules require that, when compensation is claimed for damages, occasioned by the destruction of a house or building by the enemy, the evidence of the officer or agent of the Government, by whose order or direction it was taken possession of, should be produced, showing its occupation, &c., as a military depot, under his authority. It must also be proved that such occupation was the cause of the destruction complained of. The petitioner does not state the precise time when the destruction occurred; and, for that reason, it is

not in the power of the committee to ascertain who the commandant of the military post at Picolata was at the time of the destruction.

In March, 1836, a military station was, for the first time, established by the United States at Picolata; and, in July of that year, it was the headquarters of General Scott, and, from that time to the present, it has been occupied by a garrison, more or less strong. This post was established for the protection and defence of the frontier inhabitants against savage incursions, and answered the humane purposes of its establishment as far as was practicable. But for its establishment, the whole country would probably have been laid waste, and savage cruelty been more generally inflicted, and the destruction of private property universal.

The committee have not been able to learn that "Victoria," or any part of the petitioner's plantation called by that name, has, at any time, been occupied as a military depot, or in any way used for military purposes, by order of, or authority from, any officer or agent of the Government. This plantation is said to be at a distance of at least four miles by land, and five or six by water communication, from Picolata, and in a country greatly exposed to savage incursions, and from which the petitioner had been driven at the breaking out of the Indian war, in 1835; and why it should have been thought advisable to establish a military depot at "Victoria" has not been explained, but which certainly requires explanation before the committee could sanction this claim, founded upon the idea that the destruction was caused by the military occupation of the said plantation.

The claim for the damages, alleged to have been done by the cattle to the orange-trees, is untenable upon any principle hitherto recognised by the Government; but, if it were otherwise, it is not established by testimony.

With these views the committee reject the claim, and offer the following resolution:

*Resolved, That the prayer of the petitioner ought not to be granted.*